

Memo

Environment

To:	Lashta Haidari , Acting Development Assessment Manager
From:	Jordan Davies, Planner
Date:	11 December 2020
Application Number:	Mod2020/0621
Address:	Lot 19 DP 21687 , 47 Elaine Avenue AVALON BEACH NSW 2107
Proposed Modification:	Modification of Development Consent N0034/17 granted for construction of a dwelling house

Background

The abovementioned development consent was granted by Council on 26 April 2017 for the construction of a dwelling.

The original development was granted with conditions to be achieved prior to the issue of an Occupation Certificate with regard to construction of the dwelling in relation to Council's flood controls, however similar conditions were not imposed prior to the issue of a construction certificate, thus making the final OC not obtainable. The conditions were not placed on the consent in error, and therefore a modification application under MOD2020/0460 was submitted to allow the applicant to submit Flood Emergency Resposne Report do deal with flood as an alternate solution which included appropriate warning mechanisms to be implemented to satisfy Council's Flood Engineers. The previous modification MOD2020/0460 was endorsed with the condition that the development be carried out in accordance with the submitted Flood Emergency Response Report.

This subject modification applicant seeks to update a reference within the previously submitted Flood Emergency Response Report and this has been in consultation with Council's Flood Engineers who support the updated reference within the report which included an oversight/error in the report and can be corrected via an updated reference to the submitted flood report submitted with this application.

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to modify condition(s) No. E11 and F1, which reads as follows:

Condition E11 'Installation of water level gauge and alarm' Prior to the Issue of an Occupation Certificate to read as follows:

A water level gauge and related alarm inside the dwelling is to be installed as per the details outlined in The Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 13/11/2020. The gauge must have warning thresholds

calibrated to the levels outlined in The Report and must have back-up power provided to ensure the ongoing efficacy of the system.

Reason: To ensure that the flood risk to life is appropriately managed.

Condition F1 'Flood Emergency Response Report' Prior to Ongoing to read as follows:

The Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 13/11/2020 must be kept on the premises at all times and exercised regularly to ensure the occupants of the dwelling are proficient in the requirements of The Report.

Reason: To ensure that the flood risk to life to the occupants of the dwelling is appropriately managed.

Consideration of error or mis-description

The condition is required to be updated to reference the updated flood report which corrects and oversight of the submitted Flood Emergency Response Report. The modification seeks to amend an error and can be dealt with under the provisions of Section 4.55(1).

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2020/0621 for Modification of Development Consent N0034/17 granted for construction of a dwelling house on land at Lot 19 DP 21687,47 Elaine Avenue, AVALON BEACH, as follows:

A. Modify Condition E11 'Installation of Water level gauge and alarm' to read as follows:

A water level gauge and related alarm inside the dwelling is to be installed as per the details outlined in The Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 13/11/2020. The gauge must have warning thresholds calibrated to the levels outlined in The Report and must have back-up power provided to ensure the ongoing efficacy of the system.

Reason: To ensure that the flood risk to life is appropriately managed.

B. Modify Condition F1 'Flood Emergency Response Report' to read as follows:

The Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 13/11/2020 must be kept on the premises at all times and exercised regularly to ensure the occupants of the dwelling are proficient in the requirements of The Report.

Reason: To ensure that the flood risk to life to the occupants of the dwelling is appropriately managed.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Jordan Davies, Planner

The application is determined on 11/12/2020, under the delegated authority of:



Lashta Haidari, Acting Development Assessment Manager